

July 23, 2010
3:30 p.m.

SENATE PUBLIC HEALTH, WELFARE & SAFETY

EXHIBIT NO. 1
DATE: 3.6.13
BILL NO. HB 239

Bruce,

You just left my office a few minutes ago, and I should have talked with you about the request in the enclosed envelope. However, I hate to disappoint you so I didn't speak up and share with you my request. Following is a brief rationale, but I would also be willing to explain my decision more after you have time to read and process it.

It doesn't feel right to do this in secret or under-cover. I personally do not want to do this knowing that it is professional suicide, let alone requesting a few members of our committee to do the same. I also believe any group that comes together should include members from both vantage points. I believe the entire committee has the right to defend, justify, and re-write the DRAFT based on the community outcry. Opening this up to community participation might prove to be problematic which I know I would not be able to facilitate well. I truly do not have the answers to all this. However, doing this in secret doesn't feel right to me.

I realize that the Executive Board and you are asking for revisions on the "Reproductive System" section, but not the other controversial components. Rather, the "Human Sexuality" section would just be justified and the "Influence of Family, Peers, and Society" section not revised at all. I believe the entire document especially these three sections should be open for revisions by the entire committee.

Sorry that I did not have the nerve to talk with you in person about this, but I have tried. My enclosed request clarifies this brief note.

Teresa

*Letter From The Helena School District
Curriculum Coordinator To The Helena
School Superintendent Regarding The Health
Enhancement Curriculum.*

*MT Family Fdn.
HB 239*

Brown v. Hot, Sexy & Safer Productions (1995)

Synopsis: A Massachusetts high school hosted a mandatory, school-wide assembly conducted by Hot, Sexy, and Safer Productions. The assembly was characterized as an AIDS awareness and sexual education program and used audience participation. The parents sued, claiming that their rights were violated as the parents received neither a notification of the assembly nor any opportunity to excuse their children from it. The District Court dismissed the case and the First Circuit Court of Appeals rejected the right of the parents to direct their children's education.

Quotations:

"...the Supreme Court has yet to decide whether the right to direct the upbringing and education of one's children is among those fundamental rights whose infringement merits heightened scrutiny."

"We do not think, however, that this freedom encompasses a fundamental constitutional right to dictate the curriculum at the public school to which they have chosen to send their children."

"We ... find that the rights of parents as described by Meyer and Pierce do not encompass a broad-based right to restrict the flow of information in the public schools."

Bottom Line: Parents have no right to excuse their children from any information available at school, including crude, sexually explicit assemblies. The Court also denied that parental rights are traditionally protected as a fundamental right.

Montana Family Fdn
HB 239

Fields v. Palmdale School District (2005)

Heard by the Ninth Circuit Court of Appeals,
submitted November 2, 2005.

Synopsis:

The Palmdale School District conducted a survey regarding "psychological barriers to learning," which included questions of a sexual nature, asked of elementary school children. When parents learned that their children had received this questionnaire, they sued the district for the right "to control the upbringing of their children by introducing them to matters of and relating to sex." Both the district court and the Ninth Circuit Court of Appeals rejected that the parents had any such right.

Quotes:

"In sum, we affirm that the *Meyer-Pierce* right [of parents to direct the upbringing of their children] does not exist beyond the threshold of the school door."

"Parents...have no constitutional right...to prevent a public school from providing its students with whatever information it wishes to provide, sexual or otherwise, when and as the school determines that it is appropriate to do so."

"[O]nce parents make the choice as to which school their children will attend, their fundamental right to control the education of their children is, at the least, substantially diminished."

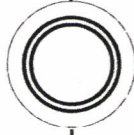
"We conclude that the parents are possessed of no constitutional right to prevent the public schools from providing information on that subject to their students in any forum or manner they select" (emphasis added).

Bottom line:

Parents have no constitutional right to opt their children out of potentially offensive or outrageous programs, surveys, or classes in the public school.

Montana Family Fdn
H.B. 239

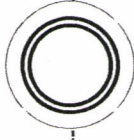
A Healthy Future for Montana Youth:



ADOPTING A COMPREHENSIVE APPROACH TO SEX EDUCATION

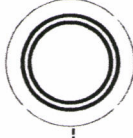
Brought to you by the Montana Partnership for Sex Education

Who We Are



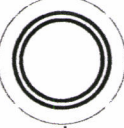
- We are the Montana Partnership for Sex Education
 - A statewide coalition of the following organizations:
 - ✦ NARAL Pro-Choice Montana
 - ✦ Planned Parenthood of Montana
 - ✦ ACLU of Montana
 - ✦ Montana Coalition Against Domestic and Sexual Violence
 - ✦ Montana Human Rights Network
 - ✦ American Association of University Women- Montana Chapter
 - ✦ Montana Disability Rights Advocates
 - ✦ Blue Mountain Clinic (Missoula)
 - ✦ Bridger Clinic (Bozeman)
 - ✦ Women's Opportunity and Resource Development, Inc.
 - ✦ Montana Women Vote

What is Comprehensive Sex Ed?

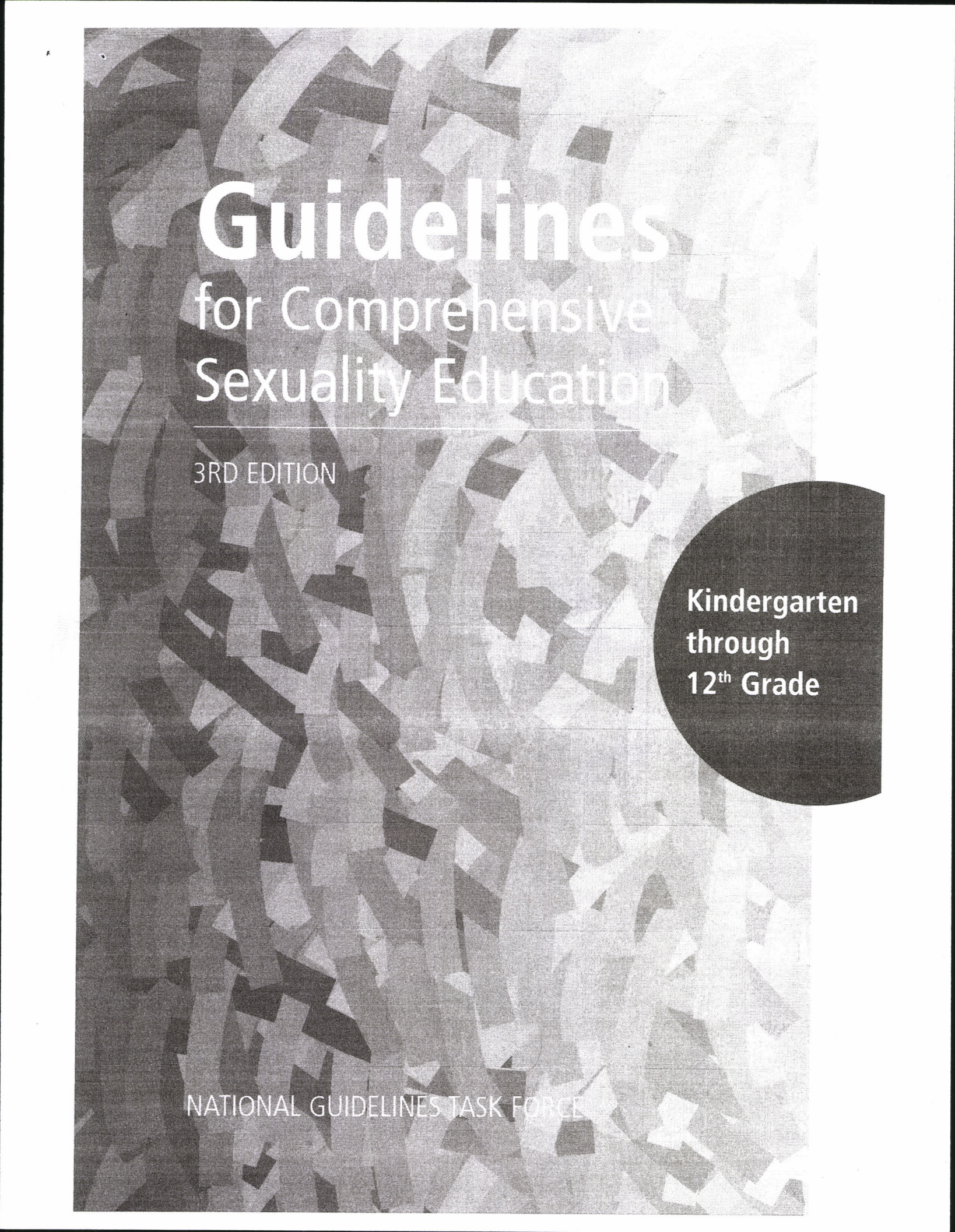


- The Sexuality Information and Education Council of the United States (SIECUS) defines sexuality education as ‘a lifelong process of acquiring information and forming attitudes, beliefs, and values. It encompasses sexual development, sexual and reproductive health, interpersonal relationships, affection, intimacy, body image, and gender roles.’

Where We are Working



- We have targeted three communities, based on population, cultural distinction and geography:
 - Helena
 - Great Falls
 - Missoula



Guidelines for Comprehensive Sexuality Education

3RD EDITION

**Kindergarten
through
12th Grade**

NATIONAL GUIDELINES TASK FORCE

Key Concept 1:

Human Development

Human development is characterized by the interrelationship between physical, emotional, social, and intellectual growth.

Human Development Life Behaviors:

Having applied the human development subconcepts at the appropriate age, the learner will be able to:

- Appreciate one's own body.
- Seek further information about reproduction as needed.
- Affirm that human development includes sexual development, which may or may not include reproduction or sexual experience.
- Interact with all genders in respectful and appropriate ways.
- Affirm one's own sexual orientation and respect the sexual orientations of others.
- Affirm one's own gender identities and respect the gender identities of others.

Topic 1: Reproductive and Sexual Anatomy and Physiology

Subconcept: The human body has the capability to reproduce as well as to give and receive sexual pleasure.

Level 1
middle childhood,
ages 5 through 8;
early elementary school

Level 2
preadolescence,
ages 9 through 12;
upper elementary school

Level 3
early adolescence,
ages 12 through 15;
middle school/
junior high school

Level 4
adolescence,
ages 15 through 18;
high school

Developmental Messages:

Level 1

- Each body part has a correct name and a specific function.
- A person's genitals, reproductive organs, and genes determine whether the person is male or female.
- A boy/man has nipples, a penis, a scrotum, and testicles.
- A girl/woman has breasts, nipples, a vulva, a clitoris, a vagina, a uterus, and ovaries.
- Some sexual or reproductive organs, such as penises and vulvas, are external or on the outside of the body while others, such as ovaries and testicles, are internal or inside the body.
- Both boys and girls have body parts that feel good when touched.

Level 2

- During puberty, internal and external sexual and reproductive organs mature in preparation for adulthood.
- A young man's ability to reproduce starts when he begins to produce sperm.
- A young woman's ability to reproduce starts when she begins to menstruate.

Level 3

- The sexual response system differs from the reproductive system.
- Some sexual and reproductive organs provide pleasure.

Level 4

- Sexual differentiation, whether a fetus will be male or female, is determined largely by chromosomes and occurs early in prenatal development.
- Some babies are born intersexed which means that they may have ambiguous genitals that are not clearly male or female and/or that their chromosomes do not match their genitals.
- Hormones influence growth and development as well as sexual and reproductive functions.
- A woman's ability to reproduce ceases after menopause; after puberty, a man can usually reproduce for the rest of his life.
- Individuals may want to use a mirror to look closely at their external organs so they can note any changes that may indicate health problems.

Topic 2: Puberty

Subconcept: Puberty is a universally experienced transition from childhood to adulthood that is characterized by physical and emotional changes.